

RECORD OF PROCEEDINGS

TOWN OF KREMMLING SPECIAL TOWN BOARD MEETING February 21, 2024

The Board of Trustees, for the Town of Kremmling, met in the Boardroom located at 200 Eagle Avenue, Kremmling, Colorado 80459. With Mayor Wes Howell presiding, the meeting was called to order at 6:00 PM. Trustees present: Jim Miller, Dave Sammons, Wes Howell, Doug Prewitt, Guy Bakke, and Leo Pesch. Staff present: Town Manager Ashley Macdonald, Town Clerk & Treasurer Teagan Serres, Public Works Director Dillon Willson, and Police Chief Jesse Lisenby. Town Attorney Melinda Culley was present virtually.

Conflicts of Interest: None.

Additions/ Deletions to the Agenda:

Ms. Serres requested Mayoral Announcements & Proclamations and Employee Recognition be deleted from the agenda. She reported the employee on the agenda to be recognized was unable to attend the meeting. The Board of Trustees agreed to move Employee Recognition to the agenda next month.

MAYOR HOWELL requested to move agenda item #3 to item #1 and move agenda item #4 to item #2. The Board of Trustees had no questions or concerns regarding the rearrangement of the agenda items.

Correspondence:

- Town of Kremmling Planning and Zoning Commission Resolution No. 2024-02-01PZ A Resolution Granting Approval of a Special Review Use Permit for Fortius Capital Partners at 315 River Lane
- Grand County Commissioners and Department of Community Development Memorandum regarding Estates at the Bluff MHC LLC, Special Use Permit Renewal

The Board of Trustees had no questions or concerns regarding the Correspondence items.

Mayoral Announcements & Proclamations:

- Employee Recognition

This item was deleted from the agenda during Additions/Deletions to the Agenda.

Citizen comments. (Comments are limited to five minutes.):

Keith Van Es, *South 7th Street*, commented concerning light pollution. He reported his neighbor has extremely bright lights that exceed past their property and intrude into multiple other neighboring properties during all hours of the night. The Board of Trustees informed Mr. Van Es they will take his comment under advisement and determine if the Board of Trustees can assist him.

Consent Agenda

- Recordings of Proceedings for January 3, 2024, Special Meeting
- Recordings of Proceedings for January 17, 2024, Regular Meeting
- Airport Hangar Ground Lease Kremmling Airport - McElroy Airfield, Grand River Aviation
- Commercial Amendment to Kremmling Airport Hangar Ground Lease, Grand River Aviation
- Commercial Amendment to Kremmling Airport Hangar Ground Lease, OKC Hangar Investments

TRUSTEE MILLER MOTION TO APPROVE the Consent Agenda as presented. MAYOR PRO TEM SAMMONS SECONDS. Voice vote taken; 5 “aye” votes, 0 “nay” votes. MOTION PASSED.

Staff Reports

- Public Works & Town Engineer

Mr. Willson reported the new plow truck was delivered today, February 21, 2024, and it will be on the roads plowing as soon as it is insured. Mr. Willson also reported three companies have pulled the bid documents for the 2024 Paving Projects and the bids are due on March 13, 2024. The Board of Trustees had no questions regarding the Public Works & Town Engineer Report.

- Kremmling Police Department

MAYOR PRO TEM SAMMONS requested clarification regarding the outfitting and delivery status of the new patrol vehicle. Chief Lisenby reported the outfitting should begin by the end of February and the expected delivery date is in March. MAYOR PRO TEM SAMMONS requested clarification regarding the repair status of the Chief patrol vehicle. Chief Lisenby reported it is currently in the repair shop and the water pump is being repaired. He will be driving the old Code Enforcement vehicle until the Chief patrol vehicle is repaired.

- Town Clerk & Treasurer

The Board of Trustees had no questions or comments regarding the Town Clerk & Treasurer staff report.

- Town Manager

The Board of Trustees had no questions or comments regarding the Town Manager staff report.

New Business:

- **Discussion & Action Item.** Trustee Vacancy Appointment & Oath of Office.

This agenda item was moved from item #3 to item #1 during Additions/Deletions to the Agenda.

Ms. Macdonald explained when Trustee Howell was appointed as Mayor, it created a Trustee vacancy. The vacancy was discussed at the February 7, 2024, Work Session and staff was directed to advertise the vacancy and place the vacancy appointment on the February 21, 2024, Regular meeting agenda. Erik Woog turned in a letter of interest to the Town Clerk, Mayor, and Board of Trustees at the February 7, 2024, Work Session, and Special meeting. No other letters of interest were received.

MAYOR PRO TEM SAMMONS MOTION TO APPOINT Erik Woog as Trustee for the current vacancy for the Town of Kremmling Board of Trustees with a term expiring April 2024. TRUSTEE BAKKE SECONDS. Voice vote taken; 5 “aye” votes, 0 “nay” votes. MOTION PASSED.

Ms. Macdonald led Trustee Woog in his Oath of Office.

- **Discussion & Action Item.** Ex-Officio Planning Commission Appointment.

This agenda item was moved from item #4 to item #2 during Additions/Deletions to the Agenda.

Ms. Macdonald explained pursuant to section 2.36.010 of the Kremmling Municipal Code, the Planning Commission of the Town shall consist of five members. The membership shall consist of the Mayor and a member of the governing body as ex-officio members and three persons appointed by the Mayor. She further explained Erik Woog expressed interest in serving on the Planning Commission and now that he has been appointed as Trustee, he can serve as the ex-officio Planning Commission member. No other Board of Trustees expressed interest in serving as the ex-officio Planning Commission member.

MAYOR HOWELL APPOINTED Erik Woog as the ex-officio Planning Commission member.

- **Discussion & Action Item.** Expenditures Dated January 18, 2024 - February 21, 2024.

This agenda item was moved from item #1 to item #3 during Additions/Deletions to the Agenda.

TRUSTEE PREWITT RECUSED himself from the Expenditures dated January 18, 2024 – February 21, 2024.

Ms. Serres presented the Expenditures dated January 18, 2024 – February 21, 2024, and explained there are multiple reasons the Expenditures are included in New Business instead of the Consent Agenda as usual. First, Trustee Prewitt has a conflict of interest on the Expenditures, in which he recused himself from the agenda item. She presented additional items on the Expenditures for discussion such as the header of the Expenditures reads incorrectly in order to properly account for the mixture of 2023 and 2024 invoices, a payment to the former Mayor, Grover Pryor, for an uncashed check, and a donation to the West Grand School District After Prom Committee the Town Manager approved.

TRUSTEE MILLER requested clarification regarding the status of the West end flag light replacement project. Mr. Willson reported a temporary repair has been made. He further explained the power comes from the nearby building, which was repaired, however, staff are looking into options for the Town to have its own source of power for the flag lighting.

The Board of Trustees had no further questions or concerns regarding the Expenditures dated January 18, 2024 – February 21, 2024.

MAYOR PRO TEM SAMMONS MOTION TO APPROVE the Expenditures dated January 18, 2024 – February 21, 2024, in the amount of \$134,617.69. TRUSTEE MILLER SECONDS. Voice vote taken; 5 “aye” votes, 0 “nay” votes. MOTION PASSED.

- **Discussion & Action Item.** Second Amendment to the Town Manager Employment Agreement.

Ms. Culley presented the Second Amendment to the Town Manager Employment Agreement, highlighting the amendments such as increased salary, housing/vehicle stipend, \$1,500 bonus, and the requirement for the Board to perform the Manager’s annual review and evaluation by no later than March 31st. Ms. Culley noted the Town Manager also requested an amendment to provide student loan repayment assistance, however, the Internal Revenue Code has specific requirements the Town does not meet at this time. Staff is working with the Town Attorney on a Student Loan Assistance Policy to present to the Board at a later meeting.

The Board of Trustees had no questions or concerns regarding the Second Amendment to the Town Manager Employment Agreement.

TRUSTEE MILLER MOTION TO APPROVE the Second Amendment to the Town Manager Employment Agreement as presented. MAYOR PRO TEM SAMMONS SECONDS. Voice vote taken; 5 “aye” votes, 0 “nay” votes. MOTION PASSED.

- **Discussion & Action Item.** Resolution No. 2024-02-03 A Resolution Canceling the April 2, 2024, Election and Declaring Candidates Elected.

Ms. Serres presented Resolution No. 2024-02-03 and explained pursuant to Colorado Revised Statutes 31-10-507, if the only matter before the voters in a Municipal Election is the election of persons to office and if at the close of business on the sixty-fourth day before the election, there are not more candidates than offices to be filled, including candidates filing affidavits of intent, the Board may cancel the Election by Resolution and declare the candidates elected. Ms. Serres reported there are no matters besides the election of persons for the April 2, 2024 Regular Election. She further reported one petition for Mayor was received and deemed acceptable, two petitions for Trustee were turned in and deemed accepted, and one affidavit of intent was turned in and deemed accepted. Therefore, the number of candidates equals the number of offices to be filled and voted on during the April 2, 2024, Regular Election. The Resolution declares Wes Howell as Mayor for a two-year term, and declares Dave Sammons, Jim Miller, and Erik Woog elected as Trustee each for a four-year term. These elected terms will commence upon being sworn into office at the Regular Meeting of the Board of Trustees on April 17, 2024.

The Board of Trustees had no further questions or concerns regarding Resolution No. 2024-02-03.

TRUSTEE PREWITT MOTION TO APPROVE Resolution No. 2024-02-03 as presented. MAYOR PRO TEM SAMMONS SECONDS. Voice vote taken; 6 “aye” votes, 0 “nay” votes. MOTION PASSED.

- **Discussion & Action Item.** Resolution No. 2024-02-04 A Resolution Amending the Comprehensive Financial Management Policies (CFMP).

Ms. Macdonald presented Resolution No. 2024-02-04 and explained periodic updates are necessary to the Town’s CFMP. She further explained the meals allowance and lodging sections of the CFMP are outdated due to inflation and the current costs of traveling. Ms. Macdonald reported the Internal Revenue Service (IRS) provides per diem and reimbursement calculations that are updated annually and have become the standard practice for municipalities and organizations. Staff requested the Board of Trustees to consider amending the CFMP to use the IRS website to calculate employees per diem or reimbursement.

The Board of Trustees had no questions or concerns regarding Resolution No. 2024-02-04.

MAYOR PRO TEM SAMMONS MOTION TO APPROVE Resolution No. 2024-02-04 as presented. TRUSTEE WOOG SECONDS. Voice vote taken; 6 “aye” votes, 0 “nay” votes. MOTION PASSED.

- **Discussion & Action Item.** Resolution No. 2024-02-05 A Resolution Concerning the Water System Development Fee for the Muddy Creek Cabins Special Review Use and Site Plan.

Ms. Macdonald presented Resolution No. 2024-02-05 and explained the Muddy Creek Cabins owners have requested a lesser fee for water taps, however, the Town Manager is not authorized to waive any water system development fees.

Levi Rozga, a representative from Fortius Capital, the owners of Muddy Creek Cabins, was present to provide the applicant's presentation. Mr. Rozga explained Fortius Capital are the new owners of the Muddy Creek Cabins. The Planning Commission approved a Use by Special Review for the Muddy Creek Cabins expansion of twenty-one cabins. Fortius Capital requested the Board of Trustees to consider allowing the purchase of twenty-one water taps at a reduced rate of 0.2 of the adopted water tap rates.

Discussion included the following topics:

- Clarification regarding recreational vehicles (RV's) versus park homes.
 - Mr. Rozga confirmed the cabins are technically RV's, however, each unit will be permanently placed on the ground and not used as an RV.
- Clarification regarding the single-family equivalent (SFE) compared to the cabin's historical usage.
 - Staff confirmed the Town's Engineer and Water Engineer estimate the cabin's water usage to be approximately thirty to fifty percent of what is used by an average single-family residence in the Town.
- Clarification regarding the amount of water using appliances in each cabin.
 - Mr. Rozga confirmed each unit has two sinks, one shower, and one toilet.
- Concerns regarding setting a precedent for future developers.
- Clarification regarding landscaping plans.
 - Mr. Rozga confirmed there are no extensive plans for landscaping except to maintain the native grass and landscape.
- Clarification regarding sufficient water flow and capacity.
 - Mr. Willson confirmed it was reviewed and accounted for during the plan submittal and there is sufficient water flow and capacity for this expansion.
- Ms. Macdonald reported a policy could be developed for situations similar to this to be used in the future.
 - The Board of Trustees agreed an adopted policy may be helpful for future situations.

The Board of Trustees discussed and deliberated the options for discounted water tap fees regarding the Muddy Creek Cabins expansion.

MAYOR PRO TEM SAMMONS ABSTAINED from voting on agenda item #7.

TRUSTEE WOOG MOTION TO APPROVE Resolution No. 2024-02-05 with a 0.325 SFE.
TRUSTEE BAKKE SECONDS. Voice vote taken; 5 "aye" votes, 0 "nay" votes. MOTION PASSED.

Board of Trustees Reports & Future Agenda Items for Consideration:

TRUSTEE BAKKE reported there are multiple gun control bills being introduced currently and requested the Board to consider sending letters of opposition. TRUSTEE WOOG requested snow plowing and hauling discussions be on a future agenda. MAYOR HOWELL reported the Mayor, Managers, and Commissioners meeting will be hosted by Kremmling at the Chamber of Commerce on March 11, 2024, and asked the Board of Trustees if there are any agenda item requests. The Board of Trustees did not have any agenda item requests for the Mayor, Managers, and Commissioners meeting agenda.

Adjournment:

MAYOR PRO TEM SAMMONS MOTION TO ADJOURN. Voice vote taken; 6 “aye” votes, 0 “nay” votes. MEETING ADJOURNED at 7:22 PM.

Teagan Serres, Town Clerk

Wes Howell, Mayor